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KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 16-2-17555-4 SEA

Defendant.

)
) Case No.
)
) **COMPLAINT FOR DAMAGES**
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) (Jury Trial Demanded)
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1. This is an action for damages pursuant to the Washington Law Against Discrimination (WLAD) and 42 U.S.C. §§ 1981 to redress unlawful employment practices by defendant King County, who, through its agents and management employees, has caused plaintiff to suffer deprivations of his civil and statutory rights as well as emotional distress.

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1 9. On May 1, 2009, after completing his Rail Certification, plaintiff's income
2 was increased to \$26.10 per hour.

3 10. On March 24, 2013, plaintiff filed a complaint with the King County Office of
4 Civil Rights ("KCOCR") alleging racial discrimination by defendant. KCOCR offered to
5 mediate by giving plaintiff a supervisory position. However, when plaintiff's union
6 representative asked KCOCR for monetary compensation for plaintiff's back wages as well
7 as his pain and suffering, KCOCR refused to consider offering any money. Plaintiff declined
8 KCOCR's offer to mediate on that basis.

9 11. After plaintiff filed his complaint for racial discrimination, defendant and its
10 employees engaged in a pattern of retaliatory behavior against plaintiff. Plaintiff was treated
11 very differently from, and worse than, Caucasian employees who had the same or similar
12 jobs.

13 12. On June 28, 2013, plaintiff was appointed to an Acting Technical Trainer
14 position following a recruitment process initiated by the King County Department of
15 Transportation. Plaintiff then began his Acting Technical Trainer assignment on July 2,
16 2013.

17 13. A mere 8 days later, on July 10, 2013, defendant told plaintiff that another
18 employee would be rotated into the Acting Technical Trainer position to replace plaintiff.
19 Kevin Gumke, a Caucasian male, replaced plaintiff in the Acting Technical Trainer position.

20 14. On December 3, 2013, plaintiff underwent hip replacement surgery, after
21 which his doctor specified he was not able to work longer than three hours. Plaintiff was
22 scheduled for an eight hour shift by manager Terry Rhoads. When Plaintiff reminded him of
23

1 the limitations imposed by his doctor because of his disabling hip condition, Rhoads became
2 angry and argued with him.

3 15. After plaintiff returned from his surgery, he began to receive multiple minor
4 infractions from Rhoads, including not communicating with co-workers about his
5 whereabouts, even when he was not on duty, arriving two minutes late to work when
6 returning from a random drug test, and arriving late for a recertification class when Rhoads
7 noticed plaintiff talking to a co-worker outside of the classroom. Plaintiff was also
8 disciplined for leaving work because he was ill; the discipline was in violation of the sick
9 leave policy, which plaintiff had fully complied with.

10 16. Plaintiff suffers from COPD and chronic mobility issues. Defendant has not
11 permitted plaintiff to use disabled parking spaces at plaintiff's work site. Plaintiff must
12 ascend 4 flights of stairs to report to his work station, and is forced to walk a much longer
13 distance than he would if defendant permitted him to use a disabled parking space.

14 17. Plaintiff has in fact received absolutely no accommodation from defendant for
15 his hip injuries and his chronic breathing issues, despite plaintiff's requests for
16 accommodation.

17 18. During 2013, defendant denied plaintiff's application to take the supervisor
18 exam, even though plaintiff exceeded the stated requirements. Plaintiff went to his union,
19 who stepped in and plaintiff was granted a hearing. At the hearing, plaintiff's supervisor
20 stated he did not know why plaintiff's application was rejected. Plaintiff's union
21 representative was willing to testify that defendant had no reason for rejecting plaintiff's
22 application. During this process, plaintiff was informed that his application was rejected for
23 not including King County in the history and education section of his application. This could

1 have only been a pretext for the actual motivation for defendant's actions: racial
2 discrimination.

3 19. Defendant had accepted plaintiff's application in the past with no issues.
4 Rejection of the application allowed promotion of other employees who had lower test scores
5 than plaintiff, continuing the long-term discrimination of plaintiff on the part of the
6 defendant.

7 20. On October 30, 2013, defendant gave plaintiff a notice of a serious infraction,
8 allegedly for failing to call Link Control Center prior to departing the Beacon Hill Station.
9 There was no basis for the issuance of an infraction; it could only have been issued because
10 of his race, African American, and in retaliation for his complaints of discrimination. Many
11 of plaintiff's Caucasian co-workers were given reduced infractions for other incidents, and
12 were promoted to other positions.

13 21. Throughout his employment with the King County Department of
14 Transportation Division Rail Section, plaintiff has repeatedly raised issues about and opposed
15 practices which he believed were racially discriminatory, and in violation of state and federal
16 anti-discrimination laws.

17 22. Throughout his employment with the King County Department of
18 Transportation Division Rail Section, plaintiff has not been promoted to a supervisory
19 position.

20 23. On June 24, 2014, defendant's employee David Vestal insisted that plaintiff
21 sign paperwork before his shift began for the day. Plaintiff was in a hurry and signed and
22 dated the paperwork without reading it. The paperwork was a "Scheduled Medical
23 Appointment" form that plaintiff turned in on June 14, 2014 for a doctor's appointment that

1 was scheduled for June 16, 2014. Plaintiff was told to check the box stating "I do not have
2 sufficient sick leave accruals to cover this absence." Plaintiff was then required to return to
3 his doctor to have the form signed, even though plaintiff had previously provided the form to
4 defendant with sufficient notice.

5 24. Following plaintiff's shift, he was informed that Vestal required him to obtain
6 a signature from his doctor stating he had gone to his appointment on June 16, 2014. During
7 his doctor's appointment, plaintiff's doctor filled out paperwork for plaintiff's FMLA
8 protections for his job. Plaintiff believes that defendant thought he forged the documents and
9 wanted him to prove otherwise. Defendant did not make these same demands of Caucasian
10 employees.

11 25. On May 24, 2016, plaintiff filed a tort claim with King County against the
12 King County Department of Transportation, seeking redress for the discrimination,
13 harassment, and retaliation he experienced as the result of defendant's actions.

14 26. Plaintiff's current rate of pay is \$31.49 per hour.

15 **FIRST CAUSE OF ACTION**

16 (Racial Discrimination – 42 U.S.C. § 1981)

17 27. Plaintiff realleges and incorporates by reference herein paragraphs 1 through
18 26 with the same force and effect as if such paragraphs were separately realleged in this First
19 Cause of Action.

20 28. At all times herein mentioned, plaintiff was an employee protected by the
21 WLAD, specifically, against practices which constituted discrimination or discriminatory
22 treatment based on his race—African American.

1 29. Plaintiff has been discriminated against in the terms and conditions of his
2 employment because of his race, and has been denied those same conditions and privileges of
3 employment otherwise afforded to his Caucasian counterparts.

4 30. The reason given for defendant King County Department of Transportation's
5 lack of disciplinary action against the manager who wrote plaintiff up is pretextual to hide a
6 discriminatory animus.

7 31. Defendant removed plaintiff from his supervisory position 8 days after his
8 appointment to that position and replaced him with a Caucasian male for no stated reason. The
9 only reason defendant would have done this is racial discrimination.

10 32. Defendant discriminated against plaintiff by denying him promotional
11 opportunities that were available to Caucasian employees.

12 33. As a proximate result of defendant's discriminatory action against plaintiff, as
13 alleged above, plaintiff has been harmed in that plaintiff suffered a loss of wages, salary,
14 medical benefits, and additional amounts of money plaintiff would have received if he had
15 not been discriminated against and had received a promotion, plus interest.

16 34. As a result of such discrimination and consequent harm, plaintiff has suffered
17 such damages in an amount according to proof at trial.

18 35. As a further proximate result of defendant's discriminatory actions against
19 plaintiff, as alleged above, plaintiff has been harmed in that he has suffered humiliation,
20 mental anguish, anxiety, mortification, loss of good health and emotional and physical
21 distress, and have been injured in mind and body as follows: plaintiff sustained severe and
22 continuing shock to his nervous system, stomach and head pain, extreme weight loss, and
23 loss of sleep all to his damage in an amount according to proof at trial.

(Retaliation – 42 U.S.C. § 1981)

40. Defendant subjected plaintiff to such deprivations by malice and a reckless and conscious disregard of his rights for which an award of punitive damages is warranted.

(Racial Discrimination – WLAD)

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1 B. General damages for emotional distress against defendant in the amount
2 according to proof at trial;

3 C. Medical expenses;

4 D. Punitive damages under federal law against all defendants in the amount
5 according to proof at trial;

6 E. Plaintiff's costs of suit, including reasonable attorney's fees; and

7 F. Such further relief as this Court deems appropriate.

8 DATED this 25th day of July, 2016.

9
10 CIVIL RIGHTS JUSTICE CENTER, PLLC

11 

12 Darryl Parker, WSBA #30770

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET
(cics)**

In accordance with LCR82 (e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4A.630.060.

CASE NUMBER: _____

CASE CAPTION: Claude Brown vs. King County

I certify that this case meets the case assignment criteria, described in King County LCR 82(e), for the:

 X Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

 Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Signature of Petitioner/Plaintiff

Date

or


Signature of Attorney for
Petitioner/Plaintiff

July 25, 2016

Date

30770

WSBA Number

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET**

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time but also helps in forecasting judicial resources. A faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to Administrative Rule 2 and King County Code 4A.630.060.

ADOPTION/PARENTAGE

- ☐ Adoption (ADP 5)
- ☐ Challenge to Acknowledgment of Parentage (PAT 5)*
- ☐ Challenge to Denial of Parentage (PAT 5)*
- ☐ Confidential Intermediary (MSC 5)
- ☐ Establish Parenting Plan-Existing King County Paternity (MSC 5)*
- ☐ Initial Pre-Placement Report (PPR 5)
- ☐ Modification (MOD 5)*
- ☐ Modification-Support Only (MDS 5)*
- ☐ Parentage, Establish/Disestablish (PAT 5)*
- ☐ Parentage /UIFSA (PUR 5)*
- ☐ Relinquishment (REL 5)
- ☐ Relocation Objection/Modification (MOD 5)*
- ☐ Rescission of Acknowledgment of Parentage (PAT 5)*
- ☐ Rescission of Denial of Parentage (PAT 5)*
- ☐ Termination of Parent-Child Relationship (TER 5)

APPEAL/REVIEW

- ☐ Administrative Law Review (ALR 2)*
- ☐ DOL Implied Consent—Test Refusal –only RCW 46.20.308 (DOL 2)*

CONTRACT/COMMERCIAL

- ☐ Breach of Contract (COM 2)*
- ☐ Commercial Contract (COM 2)*
- ☐ Commercial Non-Contract (COL 2)*
- ☐ Third Party Collection (COL 2)*

DOMESTIC RELATIONS

- ☐ Annulment/Invalidity (INV3)*
- ☐ with dependent children? Y / N; wife pregnant? Y / N
- ☐ Committed Intimate Relationship No Children (CIR 3)*
- ☐ Dissolution With Children (DIC 3)*
- ☐ Dissolution With No Children (DIN 3)*
- ☐ wife pregnant? Y / N
- ☐ Enforcement/Show Cause- Out of County (MSC 3)
- ☐ Establish Parenting Plan- includes CIR with Children (PPS 3)* ~~££~~
- ☐ Establish Support Only (PPS 3)* ~~££~~
- ☐ Legal Separation (SEP 3)*
- ☐ with dependent children? Y / N; wife pregnant? Y / N
- ☐ Mandatory Wage Assignment (MWA 3)
- ☐ Modification (MOD 3)*
- ☐ Modification - Support Only (MDS 3)*
- ☐ Nonparental Custody (CUS 3)*
- ☐ Out-of-state Custody Order Registration (OSC 3)
- ☐ Out-of-State Support Court Order Registration (FJU 3)
- ☐ Relocation Objection/Modification (MOD 3)*

DOMESTIC PARTNERSHIPS-REGISTERED

- ☐ Dissolution of Domestic Partnership With Children (DPC 3)*
- ☐ Dissolution of Domestic Partnership- No Children- (DPN3)* pregnant? Y / N
- ☐ Invalidity of Domestic Partnership (INP 3)*
- ☐ with dependent children? Y / N; pregnant? Y / N
- ☐ Legal Separation of Domestic Partnership (SPD 3)*
- ☐ with dependent children? Y / N; pregnant? Y / N

DOMESTIC VIOLENCE/ANTIHARASSMENT

- ☐ Certificate and Order of Discharge and for Issuance of a Separate No-Contact Order pursuant to RCW 9.94A.637.
- ☐ Civil Harassment (HAR 2)
- ☐ Domestic Violence (DVP 2)
- ☐ Domestic Violence with Children (DVC 2)
- ☐ Foreign Protection Order (FPO 2)
- ☐ Sexual Assault Protection Order (SXP 2)
- ☐ Vulnerable Adult Protection (VAP 2)

**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION**

and

CASE INFORMATION COVER SHEET

Please check one category that best describes this case for indexing purposes.

JUDGMENT

- ☐ Confession of Judgment (MSC 2)*
☐ Judgment, Another County, Abstract (ABJ 2)
☐ Judgment, Another State or Country (FJU 2)
☐ Tax Warrant (TAX 2)
☐ Transcript of Judgment (TRJ 2)

PROPERTY RIGHTS

- ☐ Condemnation/Eminent Domain (CON 2)*
☐ Foreclosure (FOR 2)*
☐ Land Use Petition (LUP 2)*
☐ Property Fairness (PFA 2)*
☐ Quiet Title (QTI 2)*
☐ Residential Unlawful Detainer (UND 2)
☐ Non-Residential Unlawful Detainer (UND 2)

OTHER COMPLAINT/PETITION

- ☐ Action to Compel/Confirm Private Binding Arbitration (MSC 2)
☐ Certificate of Rehabilitation (MSC 2)
☐ Change of Name-Sealed (CHN 5)
☐ Deposit of Surplus Funds (MSC 2)
☐ Emancipation of Minor (EOM 2)
☐ Frivolous Claim of Lien (MSC 2)
☐ Injunction (INJ 2)*
☐ Interpleader (MSC 2)
☐ Malicious Harassment (MHA 2)*
☒ Other Complaint/Petition(MSC 2)*
☐ Public Records Act (PRA 2)*
☐ Receivership (MSC 2)
☐ School District-Required Action Plan (SDR 2)
☐ Seizure of Property from the Commission of a Crime (SPC 2)*
☐ Seizure of Property Resulting from a Crime (SPR 2)*
☐ Structured Settlements (MSC 2)*
☐ Subpoena (MSC 2)
☐ Vehicle Ownership (MSC2)*

PROBATE/GUARDIANSHIP

- ☐ Absentee (ABS 4)
☐ Disclaimer (DSC4)

- ☐ Estate (EST 4)
☐ Foreign Will (FNW 4)
☐ Guardian (GDN4)
☐ Limited Guardianship (LGD 4)
☐ Minor Settlement (MST 4)
☐ Notice to Creditors – Only (NNC 4)
☐ Registration of Trust (TRS 4)
☐ Trust (TRS 4)
☐ Trust Estate Dispute Resolution Act/POA (TDR 4)
☐ Will Only—Deceased (WLL4)

TORT, ASBESTOS

- ☐ Personal Injury (PIN 2)*
☐ Wrongful Death (WDE 2)*

TORT, MEDICAL MALPRACTICE

- ☐ Hospital (MED 2)*
☐ Medical Doctor (MED 2)*
☐ Other Health Care Professional (MED 2)*

TORT, MOTOR VEHICLE

- ☐ Death (TMV 2)*
☐ Non-Death Injuries (TMV 2)*
☐ Property Damage Only (TMV 2)*
☐ Victims Vehicle Theft (VVT 2)*

TORT, NON-MOTOR VEHICLE

- ☐ Implants (PIN 2)
☐ Other Malpractice (MAL 2)*
☐ Personal Injury (PIN 2)*
☐ Products Liability (TTO 2)*
☐ Property Damage (PRP2)*
☐ Property Damage-Gang (PRG2)*
☐ Tort, Other (TTO 2)*

WRIT

- ☐ Habeas Corpus (WHC 2)
☐ Mandamus (WRM 2)**
☐ Review (WRV 2)**

£ Paternity Affidavit or Existing/Paternity is not an issue and NO other case exists in King County * The filing party will be given an appropriate case schedule at time of filing. ** Case schedule will be issued after hearing and findings